

STATE OF CALIFORNIA
WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 20621

Application 29256 of Consolidated Farms, Inc.

2790 Junipero Serra Boulevard, Daly City, CA 94015

filed on June 1, 1988, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:

Tributary to:

<u>Unnamed Stream</u>	<u>Dry Creek thence</u>
<u></u>	<u>Tunitas Creek thence</u>
<u></u>	<u>Pacific Ocean</u>
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2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section *	Township	Range	Base and Meridian
DIVERSION TO OFFSTREAM STORAGE BY CALIFORNIA COORDINATE SYSTEM, ZONE 3 NORTH 319,600 FEET AND EAST 1,460,450 FEET	SE $\frac{1}{4}$ OF SE $\frac{1}{4}$	35	6S	5W	MD
OFFSTREAM STORAGE RESERVOIR B	NE $\frac{1}{4}$ OF SE $\frac{1}{4}$	35	6S	5W	MD

County of San Mateo

* Projected

3. Purpose of use:	4. Place of use:	Section *	Township	Range	Base and Meridian	Acre
STOCKWATERING	RESERVOIR B WITHIN NE $\frac{1}{4}$ OF SE $\frac{1}{4}$	35	6S	5W	MD	
IRRIGATION	NW $\frac{1}{4}$ OF SE $\frac{1}{4}$	35	6S	5W	MD	4
	SW $\frac{1}{4}$ OF SE $\frac{1}{4}$	35	6S	5W	MD	8
	SE $\frac{1}{4}$ OF SE $\frac{1}{4}$	35	6S	5W	MD	10
	NE $\frac{1}{4}$ OF SE $\frac{1}{4}$	35	6S	5W	MD	18
					TOTAL	40

The place of use is shown on map on file with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 25 acre-feet per annum to be collected from December 1 of each year to May 1 of the succeeding year. (0000005)

This permit does not authorize collection of water to storage outside of the specified season to offset evaporation and seepage losses or for any other purpose. (000005I)

The maximum rate of diversion to offstream storage shall not exceed 1 cubic foot per second. (000005J)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

7. Construction work shall begin within two years of the date of this permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked. (0000007)

8. Construction work shall be completed by December 31, 1995. (0000008)

9. Complete application of the water to the authorized use shall be made by December 31, 1996. (0000009)

10. Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until a license is issued. (0000010)

11. Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit. (0000011)

12. Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust. (0000012)

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13. The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

14. For the protection of habitat for the endangered San Francisco garter snake, permittee shall: (a) establish and maintain, undisturbed, a 150-foot wide strip of natural upland vegetation around the water storage reservoir; (b) obtain approval of the U.S. Fish and Wildlife Service, Sacramento Endangered Species Office and the Department of Fish and Game prior to any reservoir dredging operations; (c) refrain from disturbing the fringe of emergent (wetland) vegetation in the reservoir during dredging operations; and (d) restrict cattle access to the reservoir to a maximum of 10 percent of the shoreline or construct outlet pipes to watering troughs.

(0600500)

15. To insure proper implementation of Condition 14 designated in this permit, permittee shall prior to construction of the reservoir submit to the Division Chief: (a) a written plan of construction approved by the Department of Fish and Game and the U.S. Fish and Wildlife Service and (b) a written plan for monitoring the project after completion. This monitoring should include a written report and photographs which will be submitted to the Division Chief approximately two years after completion of the project.

(0600300)

(0600700)

16. In accordance with Section 1601, 1603 and/or Section 6100 of the Fish and Game Code, no work shall be started on the storage and diversion works, no modifications of the unnamed stream channel shall take place, and no water shall be diverted until permittee has entered into appropriate stream alteration agreements with the Department of Fish and Game and/or the Department has determined that measures to protect fish and wildlife have been incorporated into the plans for construction of such diversion works and related project facilities. Construction, operation, and maintenance costs of any required facility are the responsibility of permittee.

(0430300)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated:

MAY 26 1992

STATE WATER RESOURCES CONTROL BOARD

[Signature]
for Chief, Division of Water Rights